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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,406	12/31/2003	Sven Schwerin-Wenzel	103580.00023/2002P10173US	4672
54975	7590	07/12/2010		
HOLLAND & KNIGHT LLP 10 ST. JAMES AVENUE BOSTON, MA 02116-3889			EXAMINER CHUMPITAZ, BOB R	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 07/12/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/750,406	<b>Applicant(s)</b> SCHWERIN-WENZEL ET AL.	
	<b>Examiner</b> BOB CHUMPITAZ	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/23/10.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,8,9,28,29 and 31-49 is/are pending in the application.
- 4a) Of the above claim(s) 4, 7, 10-27, 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,8,9,28,29 and 31-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following is a Final Office Action in response to communication received on March 23, 2010. Claims 1, 34, 35 and 48 have been amended. Claims 1-4, 6, 8, 9, 28, 29 and 31-49 are pending and addressed below.

#### ***Response to Amendments***

In light of amendments to independent claims 1 and 35, the Examiner withdraws the previous 35 USC 101 rejections to claims 1-4, 6, 8-9, 28-29 and 31-35.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 6, 28-29, 31-40 and 43-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry et al. (US 2002/0169649 A1, hereinafter Lineberry) in view of Marpe et al. (US 2002/0184191 A1, hereinafter Marpe).**

As per claims 1, 35, 36 and 49, Lineberry discloses a computer-implemented method and system for acquisition integration [0042] comprising:

providing communications between a plurality of connected source systems, via one or more programmable machines, the connected source systems including information systems, of at least two enterprises, the connected source system being connected via

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base system connectors using a markup language ([0018, 42-45, 78] a computer program embodied on a computer-readable medium is provided which comprises a code segment that manages integration areas for acquisition integration, a code segment that organizes integration events for each integration area, and a code segment that generates an acquisition integration plan; [0051-54] servers 16, 24, 26, 28, 30 and 32 are coupled in a local area network; server subsystem 12 is configured to be communicatively coupled to various individuals or employees 44 and to third parties, e.g., user, 46 via an ISP Internet connection 48, one of user devices includes work station located at a remote location, work stations are configured to communicate with server sub-system; see also Claims 54-55 and its associated text);

configuring the information systems of the at least two enterprises to operate as a single logical physically distributed information system across one or more information systems of the at least two enterprises using processes, modules, application logic, and framework stored in a memory that conform to an architecture supported by a platform including a portal through which data is requested and received by clients ([0020] a computer is provided which is programmed to prompt a user to select an integration area from a computer generated screen configured as an acquisition integration main user interface; [0042-45, 53, 78] method and system based acquisition integration tool, for incorporating the integration of one or more entities; [0057-65] acquisition integration main user interface for the acquisition integration framework tool);

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generating, via at least one computing device associated with the portal, an individually configurable user interface remotely connected to said single logical physically distributed information system ([0020] a computer is provided which is programmed to prompt a user to select an integration area from a computer generated screen configured as an acquisition integration main user interface; [0051, 54, 57-65] main user interface includes headings for a variety of business applications, deliverables and checklists of the integration areas);

With respect to "...with templates interacting with metadata to format information according to preset conditions, the metadata describing roles, work sets, and personalization information and interacting with the application logic," Lineberry discloses generating different types of user interfaces for each phase of the integration operations, for example the following integration phases: pre-due diligence, due diligence, and post sign/pre close, pre close, and transition to operations, where pre-due diligence represents the pre-restructuring activities, the due diligence, post sign/pre close, and pre close activities represents the restructuring activities, and the transition to operations represents the post restructuring activities ([0045, 69]); and labor relations, employment practices employee services implementation and a compensation integration area, where the integration between the two companies achieves realignment of compensation ([0058-59]; see also claims 13, 44-46 and associated text). Additionally, Marpe teaches the process of formatting information from one platform to another ([0080] markup language). Furthermore, Marpe teaches development of guiding

principles that provide the framework for making key integration decisions and support the objectives of the merger and acquisition, and success factors which are conditions which should be met in order to deem the integration a success or consider the integration complete ([0548, 612, 696]). Lastly, it is well known and would have been obvious to one of ordinary skill in the art at the time of the invention to interpret metadata to be: “data that describes other data. For instance, metadata could be used to identify this paragraph of text as a “dictionary definition” and identify the word “metadata” at the beginning of this definition as a “dictionary term.” Assigning metadata to data has many advantages, including the ability to return more relevant search results; for instance, a user who wanted to find a definition for the word metadata could indicate the desired type of data, such as “dictionary term” along with the desired keyword “metadata” and only receive search results that are a “dictionary definition. An example of metadata scheme is the World Wide Web Consortium developed Resource Description Framework (RDF), a symbolic language that enables programmers to develop metadata schemes for a variety of data types,” as defined in *Webster&apos;s New World™ Computer Dictionary*. (<http://www.credoreference.com/entry/webstercom/metadata> (2003)). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify and incorporate the configurable user interface disclosed by Lineberry to include data formatting mechanisms that are capable of configuring data associated to any specific business platform as taught by Marpe in order to facilitate the acquisition integration operations by providing customizable user interfaces configured to display and update information representing all the stages of the acquisition integration phases.

Lineberry further discloses populating, via at least one processor said individually configurable user interface with monitoring information and features regarding a corporate integration on said individually configurable user interface ([0020] a computer is provided which is programmed to prompt a user to select an integration area from a computer generated screen configured as an acquisition integration main user interface; [0045] a system based acquisition integration tool provides a framework for generating such a plan. Specifically, after a user logs into the system, the system prompts the user, e.g., via a display, to select 4 an integration area from an acquisition integration main user interface; [0057-67, 76-78] main user interface includes headings for a variety of business applications, deliverables and checklists of the integration areas) comprising:

- making a deal selection choice, including defining acquisition objectives,
- performing due diligence research, and identifying synergies, risks, and a realization plan ([0057] groupings of predefined integration areas; see also [0067]
- a business leader integration area user interface that consists of printer friendly reports which includes integration events such as to schedule and participate in integration strategy workshop; see also Fig. 1: deliverables checklist, Fig. 8: Deal approval, Projected deal synergies, Fig. 9: Achieving deal synergies, Fig. 13: Deal team, Fig. 19: integration progress report; see also claim 44 managing acquisition integration to achieve acquisition synergies); planning an integration, including establishing short term and long term tasks and communicating goals and decisions to users ([0012, 16, 18-21] a method in a computer for generating an

acquisition integration project plan; see also Fig. 8: building integration plan, execute integration plan); executing a transaction, comprising structuring the acquisition by type, tax implication and legal issues (Fig. 8: building integration plan, execute integration plan, Fig. 12: ensure plan execution); executing an integration, including operating and managing integration projects and subprojects, designing a new organization, managing an integration of information technologies, human resources, financials, and procurements ([0069] transition of operations; see also Fig. 8: building integration plan, execute integration plan); and making a post-integration assessment, including measuring achieved synergies, assessing potential improvements, and applying said assessment to future transactions ([0069, 73, 75, 78] integration events including post signing, post closing and integration events which take place after closing).

Examiner notes:

(1) With respect to “configurable user interface comprising making a deal selection choice, planning an integration, executing a transaction, executing an integration, and making a post-integration assessment,” the specific types of integration user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F



.2d 1381, 1385, 217 USPQ 401, 404 (Fed.Cir.1983); *In re Lowry*, 32 F .3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

(2) Markup language, as defined in Webster&apos;s New World™ Computer Dictionary states: In text processing, a system of codes for marking the format of a unit of text that indicates only that a particular unit of text is a certain part of the document, such as an abstract, a title, or an author’s name and affiliation. The actual formatting of the document part is left up to another program, called a viewer, which displays the marked document and gives each document part a distinctive format (fonts, spacing, and so on). An international standard language for creating markup languages is the Standard Generalized Markup Language (SGML), which was little-known until an SGML-based markup language, the Hypertext Markup Language (HTML), came into widespread use on the Web. HTML is a markup language, and the Web browsers in use by millions today are viewers for HTML. ([http://www.credoreference.com/entry/webstercom/markup\\_language](http://www.credoreference.com/entry/webstercom/markup_language) (2003)).

As per claims 2 and 37, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, and with respect to: “a computer-implemented method and system providing an executive cockpit monitoring interface, a training management interface, a deliverables interface, a project managing interface, and a communications management interface on said individually configurable user interface; and configuring said user interface with an object modeling- tool to create business objects and a project modeling tool to create project modules,” Lineberry discloses wherein a method for acquisition integration planning is provided which comprises

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selecting, from an electronic interface, at least one of a plurality of integration areas, identifying a responsible person for each integration area using the interface, identifying a responsible person and a due date for each integration event within an integration area through the interface, and requesting, from the electronic interface, a percentage completion for each integration event [0016]; and where a method is provided for operating a computer which comprises prompting a user to select an integration area from an acquisition integration main user interface, displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events [0019]; and lastly wherein a user interfaces to develop a computer program that is executable by computer systems and a system based acquisition integration tool provides a framework for generating such a plan [0045]. Furthermore, Marpe teaches a user interface that allows a user the access to various management, planning, training and any other functions related to merger and acquisition ([0039, 0041, 0104, 0161-0162, 0168, 0178, 0659, 0710 user interface...discussion database interface page available to the user of the merger and acquisition engine... merger and acquisition engine develops and retains institutional knowledge related to consolidation thus reducing cost related to training....various categories of project management tools, a planning guide, industry solution packs relating to merger and acquisition may be retrieved from interface...communicating the target environment to employees and conducting training]). The Examiner notes, although Lineberry and Marpe teach one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of

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what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 3 and 38, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, and with respect to: “a computer-implemented method and system wherein said executive cockpit monitoring interface further comprises a team roster, a task list, a shared folder, a meeting scheduler, an issue list, a decision list, an integration status, and a tracker tool,” Lineberry further discloses a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas, identifying a responsible person for each integration area using the interface, identifying a responsible person and a due date for each integration event within an integration area through the interface, and requesting, from the electronic interface, a percentage completion for each integration event [0016]; and an integration progress report user interface showing a percentage completion against plan with respect to each of the integration areas and headings used to group integration events, also shows the processes relevant to integration of the acquisition, broken out by phase in the acquisition integration, including pre-due diligence, due diligence, post signing/pre-closing, post closing, and transition to operations phases ([0003-7, 65-67, 75]; see also [0044] a tracking of tasks; [0069] as shown on user interface 200, for the intellectual property acquisition integration task, there are multiple, pre-defined integration events listed; see also Fig. 1: deliverables checklist, Fig. 8: schedule, Fig. 19: integration progress report; see also claim 44 managing acquisition integration to achieve acquisition synergies). The Examiner notes, although Lineberry further discloses one or more different types of user interfaces for the

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acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 4 and 39, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, and with respect to: “a training rollout management sub-module to request, schedule, and monitor execution of training sessions, and a platform to facilitate training by functioning as a class repository, a master training scheduler, an electronic mailer, and as a training archive; wherein the master training scheduler further comprises a department specific scheduling service, a department specific planning service, a role specific planning service, and a role specific scheduling service,” Lineberry further discloses a method and system wherein a database for acquisition integration is provided which comprises data corresponding to at least one integration area and data corresponding to integration for each integration area [0014], and where a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas [0016]. Additionally, Marpe teaches various functional and user interface features which may be enabled using software programming, i.e. object oriented programming (OOP) [0039], and wherein the OOP components are reusable software modules which present an interface that conforms to an object model and which are accessed at run-time through a component integration architecture [0045].

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Marpe also teaches a discussion database of the merger and acquisition (M&A) engine [0106], and wherein the M&A engine improves resolution during the transition by utilizing discussion databases to submit and/or answer issues, questions, topics, etc. which gives key stakeholders an improved understanding of the most current status of key deliverables [0098]. Furthermore, Marpe teaches communicating the target environment to employees and conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a project planning repository [0351], a deliverables repository [0373], and an assessment repository [0424]. The Examiner notes, although Lineberry and Marpe teach one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 6 and 40, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, and with respect to: “a reference model, a methodology tracker, help tool contextual tools, a baseline of combined spending, a depletion plan, an organizational structure, a view of current capabilities, and a view of material synergies; and providing a sub-deliverable interface comprising security permissions, one or more characteristics of a deliverables room, and the ability to generate and assign tasks in a synergy achievement,” Lineberry further discloses a method and system consisting the deliverables interface (Lineberry discloses prompting a user

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with a set of integration events and deliverables checklists for selected integration area (Figs. 1, 9, 13: Deliverables checklist), and where a computer program embodied on a computer readable medium is provided which comprises a code segment that manages integration areas for acquisition integration [0018], and where a method for acquisition integration planning is provided which comprises selecting, from an electronic interface, at least one of a plurality of integration areas [0016]). Lastly Lineberry discloses a centralized database stored on a database server and which is accessible by users at one of user devices by logging onto a server subsystem [0051], and a main user interface that includes headings for commercial, operational, human resources, legal, and financial [0057], and a user interface that further includes integration sub-events which further define the integration events to be accomplished [0073]. Additionally, Marpe teaches various functional and user interface features which may be enabled using software programming, i.e. object oriented programming (OOP) [0039], and wherein the OOP components are reusable software modules which present an interface that conforms to an object model and which are accessed at run-time through a component integration architecture [0045]. In addition, Marpe teaches a discussion database of the merger and acquisition (M&A) engine [0106], and wherein the M&A engine improves resolution during the transition by utilizing discussion databases to submit and/or answer issues, questions, topics, etc. which gives key stakeholders an improved understanding of the most current status of key deliverables [0098]. Furthermore, Marpe teaches communicating the target environment to employees and conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a project planning repository [0351], a deliverables repository [0373], and an assessment repository [0424]. The Examiner notes, although Lineberry and Marpe teach one or more different types of

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user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 28 and 43, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, where Lineberry further discloses providing a selection on the plurality configurable user interface that allows a stakeholder to select a view of one or more lists of deliverables by a meeting date and a task force, the user interface further being adapted to present a deliverables tracker reference session link ([0016, 17, 19, 25-40, 44-45, 56-58, 63] electronic interface...acquisition integration main user interface displaying a set of selectable integration events for the selected integration area, and generating an integration project plan incorporating selected integration events...system for clear communication and tracking of tasks performed in connection with an integration....devices are interconnected to the network through many interfaces; see also, [0049-50] a system includes a server sub-system and a plurality of devices, where the devices are computers including a web browser and are connected to server. The Examiner notes, although Lineberry discloses the claimed limitations noted above, the providing of specific types of user interface categories, with user selection capabilities, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases

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would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 29 and 44, the Lineberry/Marpe combination disclose claims 28 and 43 as rejected above, where Lineberry further discloses providing a view of one or more lists including a meeting date, a time, a milestone, a location, and a deliverable information, the deliverable information comprising a name, a task force, a requester, an assignee, and a status ([0008, 10, 18, 30, 34, 41, 44-46, 64] checklists utilized in the due diligence phase of an acquisition...acquisition integration plan, deliverable checklists...business leader integration area and deliverable checklist user interface...spreadsheets listing integration areas and events; see also Fig. 1: deliverables checklist, Fig. 8: schedule, Fig. 19: integration progress report; see also claim 44 managing acquisition integration to achieve acquisition synergies). The Examiner notes, although Lineberry discloses the claimed limitations noted above, the providing of specific types of user interface categories is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

As per claims 31 and 45, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, and with respect to: “configuring the individually configurable user interface based on the



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exchange of metadata by a security clearance of a user and the single logical physically distributed information system.” Lineberry further discloses an electronic user interface for acquisition integration planning [0016], and a system that displays integration area and deliverable checklist user interface ([0018, 30, 44-45, 64, 66, 69, 77] system displays integration area and deliverable checklist user interface; see also Fig. 13, item 210; see also, claims 44 & 57 computer program embodied on a computer readable medium for managing acquisition integration to achieve acquisition synergies....computer program comprising a code segment that monitors the security of the system by restricting access to unauthorized individuals...system facilitates clear communication and tracking of tasks performed in connection with an integration...list of deliverables used to determine whether all tasks associated with a particular integration event have been completed). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the user interface of Lineberry in order to provide security restrictions access to unauthorized users associated with the acquisition integration process. The Examiner notes, although Lineberry discloses the claimed limitations noted above, the providing of specific types of user interface categories is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

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As per claims 32 and 46, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, where Lineberry further discloses providing for communication between the single logical physically distributed information system and the individually configurable user interface by using extensible markup language, web services, request for comments or transmission connect protocol/internet protocol ([0054] one of user devices 14 includes a work station 54 located at a remote location; and [0051, 55-56] user interface 100 for an acquisition integration framework tool; workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator; see also [0057-67] main user interface 110 includes headings for Commercial, Operational, Human Resources, Legal, and Financial, under each heading are groupings of pre-defined integration areas, which are selectable by a user; see also [0076-78] the use of system 10 provides an integration team with the resources needed to perform the acquisition integration tasks involved when combining one business entity into another).

As per claims 33 and 47, the Lineberry/Marpe combination disclose claims 1 and 36 as rejected above, where Lineberry further discloses connecting the single logical physically distributed information system and the individually configurable user interface via an enterprise connector interface, internet communication manager/internet communications framework, or an encapsulated postscript ([0051, 55-56] user interface 100 for an acquisition integration framework tool; workstations are coupled via internet link or are connected through the intranet...user system via a telephone link...link exists where user can notify administrator; see also [0057-67] main user interface 110 includes headings for Commercial, Operational, Human

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Resources, Legal, and Financial, under each heading are groupings of pre-defined integration areas, which are selectable by a user; see also [0076-78] the use of system 10 provides an integration team with the resources needed to perform the acquisition integration tasks involved when combining one business entity into another).

As per claims 34 and 48, the Lineberry/Marpe combination disclose claims 4 and 39 as rejected above, and with respect to: “providing said training management interface to serve as a training rollout management sub-module to request, schedule and monitor an execution of one or more web-based training sessions, and to facilitate one or more web-based training processes,”

Lineberry further discloses an acquisition integration plan for each integration area and each phase of acquisition, integration events and deliverables and where a user is able to construct a customized integration plan using those areas and events the user [0045-46]; and a deliverables checklist user interface, a project plan user interface and a target management user interface [0064, 67, 73]. Additionally, Marpe teaches various functional and user interface features which may be enabled using software programming, i.e. object oriented programming (OOP) [0039], and wherein the OOP components are reusable software modules which present an interface that conforms to an object model and which are accessed at run-time through a component integration architecture [0045]. In addition, Marpe teaches a discussion database of the merger and acquisition (M&A) engine [0106], and wherein the M&A engine improves resolution during the transition by utilizing discussion databases to submit and/or answer issues, questions, topics, etc. which gives key stakeholders an improved understanding of the most current status of key deliverables [0098]. Furthermore, Marpe teaches communicating the target environment to

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employees and conducting training [0710]. Lastly, Marpe teaches a workbench repository [0348], a project planning repository [0351], a deliverables repository [0373], and an assessment repository [0424]. The Examiner notes, although Lineberry and Marpe teach one or more different types of user interfaces for the acquisition integration system the specific types of user interface categories, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

**Claims 8-9 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lineberry in view of Marpe and in further view of Simon (US 2003/0113700 A1) and/or Sanches (US 2003/0018510 A1).**

As per claims 8-9 and 41-42, the Lineberry/Marpe combination disclose claims 2 and 37 as rejected above, where Lineberry further discloses a business leader integration area user interface that consists of printer friendly reports which includes integration events such as to schedule and participate in integration strategy workshop [0067], but does not expressly disclose: “providing a collaborative calendar displaying merger related events, milestones, and facilitating training management”; “providing the collaborative calendar to monitor one or more rollout trainings and scheduling one or more services for a plurality of stakeholders, wherein providing the collaborative calendar further comprises displaying information relating to at least one of a stakeholder role and a merger group, and is further adapted to allow an exchange of information

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with an external calendar tool.” However, Marpe further teaches various workbench access database tables that are relevant for the executive dashboard, and where such tables include the issues table, key milestones table, as well as the calendar table, and where all tables are stored in a database [0217, Fig. 9: see associated text]. In addition, Marpe teaches a reference section that contains additional tools necessary during the M&A, and where there are four reference functions namely deliverables library, contacts, calendars, and organizational charts [0458]. The calendars allow users to create and retrieve project calendars to track meeting schedules [0506]. Additionally, Simon and/or Sanches both teach a training system applicable to business mergers and acquisition (Simon: [0005-0008 compliance training for corporate mergers and acquisition...updating training content is available to account for legal and regulatory changes]; see also, [0010-0019, 0037 training modules....automatic e-mail system]; see also, [0020 on-line and off-line training modules on numerous compliance topics]; Sanches: [0002, 0011, 0030, 0037 system and method and software tools to direct and manage enterprise wide activities or initiatives for example mergers, reorganizations, and other enterprise-wide strategic change or other activities....action management system for planning and managing includes an management database, an faction item scheduler for assigning and scheduling action items...action item scheduler]; see also, [0043, 0060, 0063, 0107, 0121 web-based user training...training is provided and managed]; see also, [0166-0167, 0176-0177, 0183-0184 integration action management...acquisition integration training....reorganization training employees]; see also, [0291, 0294, 0307-0313, 0365 task scheduler...notification schedule, action item scheduler]). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lineberry to include an interactive calendar as taught by

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Marpe and to include a training system as taught by Simon and/or Sanches in order to effectively monitor or manage the training process of employees using a wide range of collaboration tools so that management can direct synchronized, consistent execution of their strategic plans across and entire or multiple organizations. The Examiner notes, although the Lineberry and Marpe and Simon and Sanches disclose the claimed limitations noted above, the providing of specific types of user interface categories “calendar displays”, is deemed to be nonfunctional descriptive material and is not functionally involved in the steps recited. The providing of a configurable user interface for the plurality of acquisition integration phases would be performed the same regardless of what type of categories they belong to. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability.

Please note:

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See *e.g.* MPEP §2106 II C: “Language that suggest or

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makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. [Emphasis in original.]”; and *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) “As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted.” *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006)(where the Federal Circuit affirmed the Board’s claim construction of “further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased” since “this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form ‘may.’”).

Functional recitation(s) have been considered but given less patentable weight because they fail to add any steps and are thereby regarded as intended use language. The step of providing a view of one or more lists would be performed the same regardless of what type of categories they belong to. A recitation of the intended use of the claimed invention must result in additional steps. See *Bristol-Myers Squibb Co. v. Ben Venue Laboratories, Inc.*, 246 F.3d 1368, 1375-76, 58 USPQ2d 1508, 1513 (Fed. Cir. 2001)

### ***Response to Arguments***

Applicant's arguments filed March 23, 2010 have been fully considered but they are not persuasive. In the remarks applicant argues the following:

- (1) First, Applicants respectfully submit that Lineberry and Marpe, whether viewed separately or in combination, do not disclose each and every limitation of Applicants'

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newly amended independent claim 1. Applicants respectfully submit that Lineberry and Marpe do not disclose each and every limitation as recited in Applicants' newly amended claim 1. Applicants note that in order for the references cited to render newly amended claim 1 unpatentable under 35 U.S.C. 103, the references cited must disclose each and every limitation in their entirety. Applicants note the Examiner's statements on Pages 5-7 of the Official Action. However, Applicants respectfully disagree with the Examiner's characterizations. Specifically, on page 5 of the Official Action, the Examiner seems to suggest that Lineberry teaches "providing communications between a plurality of connected source systems, via one or more programmable machines, the connected source systems including information systems, of at least two enterprises, the connected source systems being connected via base system connectors using a markup language." The Examiner points to paragraphs [0018, 0042-0045, 0053, and 0078]. However, Applicants are unable to find this limitation in these paragraphs or even any mention of a markup language. Applicants respectfully request clarification regarding this rejection.

(2) Further, in the previous response, Applicants added the following limitation (it has been amended in this rejection to address 35 U.S.C. 101 rejections): "generating, via at least one computing device associated with the portal, an individually configurable user interface remotely connected to said single logical physically distributed information system with templates interacting- with metadata to format information according- to preset conditions, the metadata describing- roles, work sets, and personalization information and interacting- with the application logic." Applicants' newly amended claim 1. Emphasis Added. Here, the Examiner appears to rely upon paragraphs [0045,



0058-00591 of Lineberry, as well as claim 13 and the associated text. Again, Applicants respectfully disagree with this characterization of Lineberry. Applicants have reviewed the above passages and are unable to locate any mention of metadata, let alone in the manner as currently claimed by Applicants. Further, and more specifically, not only are Applicants unable to locate any mention of metadata, Applicants are also unable to locate metadata describing roles, work sets, and personalization information and interacting with the application logic, as required by Applicants newly amended claim 1. The Examiner also relies upon Marpe as teaching various aspects of the "generating" limitation described above. Specifically, the Examiner points to paragraphs [0080, 0548, 0612, and 0696]. Again, Applicants have reviewed the above passages and are unable to locate any mention of metadata, let alone in the manner as currently claimed by Applicants. Further, and more specifically, not only are Applicants unable to locate any mention of metadata, Applicants are also unable to locate metadata describing roles, work sets, and personalization information and interacting with the application logic, as required by Applicants newly amended claim 1.

(3) As a result, Applicants respectfully submit that neither Lineberry nor Marpe, either alone or in combination disclose each and every limitation of Applicants' newly amended claim 1. As such, Applicants respectfully submit that claim 1 of the subject application is in condition for allowance. Further, claims 35, 36, and 49 to include limitations similar to that of claim 1. Therefore, Applicants respectfully submit that claims 35, 36, and 49 are in condition for allowance as well. Since the remaining claims depend, either directly or indirectly, from claims 1, 35, 36, or 49, Applicants respectfully submit that those claims

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are also in condition for allowance. Withdrawal of the rejection under 35 U.S.C. 3 103 is respectfully requested. Further, Applicants respectfully submit that the Examiner has failed to show where each and every limitation of the dependent claims is disclosed by the references. For example, Applicants note that dependent claims 3 and 38 state, in part, "executive cockpit monitoring interface further comprises a team roster, a task list, a shared folder, a meeting scheduler, an issue list, a decision list, an integration status, and a tracker tool". On pages 10-11 of the Official Action the Examiner states that all of these limitations are taught by Lineberry. However, upon reviewing the rejection set forth by the Examiner, Applicants are unable to locate where Lineberry teaches each and every limitation of Applicants' claims 3 and 38. Applicants respectfully request further clarification regarding this rejection. Moreover, Applicants' claims 4 and 39 states, in part, "said training management interface further comprises a training rollout management sub-module to request, schedule, and monitor execution of training sessions, and a platform to facilitate training by functioning as a class repository, a master training scheduler, an electronic mailer, and as a training archive" and "wherein the master training scheduler further comprises a department-specific scheduling service, a department-specific planning service, a role-specific planning service, and a role specific scheduling service." On pages 11-13 of the Official Action the Examiner states that all of these limitations are taught by Lineberry. However, upon reviewing the rejection set forth by the Examiner, Applicants are unable to locate where Lineberry teaches each and every limitation of Applicants' claims 4 and 39. Again, Applicants respectfully request further clarification regarding this rejection.

In response to arguments (1)-(3), the Examiner respectfully disagrees. For purposes of clarification the Examiner has cited passages of the prior art to further define the claim equivalents for the amended and original claim language so that to clarify the 35 USC 103(a) rejections noted above. In response to applicant's argument that there is no teaching, suggestion, or motivation to combine the references, the examiner recognizes that obviousness may be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988), *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992), and *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398, 82 USPQ2d 1385 (2007). Please see rejection above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOB CHUMPITAZ whose telephone number is (571)270-5494. The examiner can normally be reached on M-TR: 7:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN WEISS can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-270-6494.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. C.  
Examiner, Art Unit 3629

/JOHN G. WEISS/  
Supervisory Patent Examiner, Art Unit 3629